

REMARKS

This application has been carefully reviewed in light of the Examiner's action dated August 17, 2007. Claims 1, 7 and 39 have been amended, and Claims 9-13, 15, 28-31, 49-53 and 67-122 have been cancelled without prejudice. In addition, new Claims 123-125 have been added to more fully claim certain aspects of the invention. Reconsideration and full allowance are respectfully requested.

The Examiner has issued a Restriction Requirement identifying Species 1, 2, and 3 of the invention and requiring election therebetween. Applicant hereby affirms the provisional election, without traverse, to prosecute Species 1, including Claims 1-8, 14, 16-27, 32-48 and 54-66. Applicant has cancelled the non-elected claims by the above amendment.

The Examiner also objected to Claims 1, 7 and 39 due to certain informalities. These formalities have been addressed by the amendments above, and it is therefore believed that this objection has been obviated.

Claims 1-5, 14, 16, 25-26, 32, 37-45, 54 and 60-61 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,171,473 by Eftis, et al ("Eftis"). This rejection is respectfully traversed for the reasons set forth in detail below.

Claim 1 is directed to a method for maintaining a communication connection through a firewall in a network used for pushing information to and receiving information from a mobile device. As discussed in the specification, wireless networks may include a firewall to inhibit the transmission of unwanted messages. These firewalls can inhibit the desired functionality of certain applications, for example, the ability to push messages to mobile devices in connection with tracking systems. In this regard, the claimed invention involves sending a first heartbeat signal between the mobile device and an asset server. The heartbeat signal is received at a firewall, and a hole is opened in the firewall to allow communication between the mobile device and the asset server. This hole is held open for a first set period of time. The method further involves sending a successive communication before the first set period of time expires, where the successive communication causes the firewall to leave the hole open for a second set period of time. In this manner, a communication connection through the firewall is maintained so as to enable, for example, pushing information to the mobile device.

Eftis is directed to maintaining an HTTP session. Specifically, as described by Eftis, then existing applications made use of the Domain Name System whereby a URL was associated with a dynamic IP address. However, Eftis describes those applications as being disadvantageous in that the IP address was not associated with complete dynamic session information for a user including such information as a user's host box identifier, TCP port number and session ID. Accordingly, Eftis indicates that the existing applications did not allow a user to type the IP address into a web browser and communicate using the HTTP protocol.

In this regard, Eftis is directed to maintaining an HTTP session. Such a session could expire absent any communication activity. The Examiner specifically references one variation of the Eftis system where the user makes periodic HTTP connections to the session manager so that the user's presence is deemed online. Eftis noted that because the communications are conducted in accordance with the HTTP protocol, the process can work behind a firewall.

However, Eftis is not directed to keeping a hole in a firewall open. Rather, Eftis is directed to maintaining an HTTP session. Eftis references a firewall and it is clear that communications occur across the firewall, but Eftis is silent as to how the firewall opened or maintained open. For example, Eftis does not disclose or suggest sending a successive communication before the first set period of time expires where the successive communication causes the firewall to leave the hole open for a second set period of time. Applicant therefore respectfully submits that Eftis does not disclose or suggest the claimed subject matter relating to opening a firewall and maintaining the firewall in an open state so as to enable, for example, pushing information to a mobile device. Accordingly, Independent Claim 1 and its dependent claims are patentable over Eftis, and this rejection should be withdrawn.

Independent Claim 39 is directed to a communications system to maintain a hole in a firewall. The system includes a mobile device, a wireless network connected in communication with the mobile device including a firewall, and an asset server connected in communication with the wireless network. The mobile device is operative to send a heartbeat between the mobile device and the asset server so as to open a hole in the firewall and at least one successive communication so as to maintain the hole.

As discussed above, Eftis references a firewall, and it is apparent that messages are transmitted across the firewall. However, Eftis does not disclose or suggest the claimed structure for

opening and maintaining a hole in a firewall so as to enable communications with a mobile device across a firewall including, for example, pushing messages to the mobile device. Rather, Eftis is concerned with maintaining an HTTP session and is silent as to the structure and methodology for keeping the firewall open. Applicant therefore respectfully submits that Eftis does not disclose or suggest the invention of Independent Claim 39 or its depending claims.

Claims 6-8, 17-24, 33-36, 46-48, 55-59 and 63-66 were rejected under 35 U.S.C. § 103 as being unpatentable over Eftis in view of U.S. Patent No. 6,453,237 by Fuchs et al ("Fuchs"). Fuchs was relied on for subject matter pertaining to asset position, wherein the asset position is information about when a GPS coordinates, directions, speed, LORAN position or street address and wherein the GPS coordinates are provided by a GPS receiver communicatively coupled to a mobile device. Fuchs does not disclose the subject matter of Independent Claim 1 or Independent Claim 39, as discussed above, relating to opening a hole in a firewall and maintaining the hole open. Accordingly, the proposed combination of Eftis and Fuchs would not yield the subject matter of Independent Claim 1 or Independent Claim 39. Applicant therefore respectfully submits that the proposed combination, assuming *arguendo* that such combination is proper, would not yield the subject matter of the rejected claims.

Claims 27 and 62 were rejected under 35 U.S.C. § 103 as being unpatentable over Eftis in view of U.S. Patent No. 5,805,999 by Inoue ("Inoue"). The Examiner relies on Inoue for teaching that the digital signal includes at least one bit that identifies the mobile device. However, Inoue does not disclose the subject matter of Independent Claim 1 or Independent Claim 39, as discussed above, relating to opening a hole in a firewall and maintaining the hole. Applicant therefore respectfully submits that the proposed combination of Eftis and Inoue, assuming *arguendo* that such combination is proper, would not yield the subject matter of Independent Claim 1 or Independent Claim 39. Accordingly, Applicant further submits that newly added Claims 123-125 are patentable over the references of record and this rejection should be withdrawn.

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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